

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**STANDING HEARING OFFICER DIRECTIVE****DOCKET NO. 2022-1-E****ORDER NO. 2022-52-H****MAY 16, 2022****STANDING HEARING OFFICER:** C. Jo Anne Wessinger Hill**DOCKET DESCRIPTION:**

Docket No. 2022-1-E -- Annual Review of Base Rates for Fuel Costs of Duke Energy Progress, LLC (For Potential Increase or Decrease in Fuel Adjustment)

MATTER UNDER CONSIDERATION:

Request from Duke Energy Progress, LLC (DEP) dated May 11, 2022, for an extension of time to file order of witnesses and permission to appear in person.

CHIEF HEARING OFFICER'S ACTION:

On May 11, 2022, DEP sent a letter to the Commission requesting an extension of time to file it witness order with the Commission. The current deadline for submission of witness order is set for May 23, 2022, which is prior to deadline for DEP's rebuttal testimony (if any) and the prefiled surrebuttal testimony of other parties (if any) must be filed.¹

DEP asserts that:

[i]n light of these filing deadlines, the Company does not expect to be in an position to inform the Commission of its witness order, or whether it will be amenable to consolidating the presentation of direct and rebuttal testimony, until May 26, 2022. Therefore, the company respectfully requests that it be permitted to provide its order of witnesses on May 26, 2022.

See, DEP Letter, dated May 11, 2022, p. 1. No party of record objected to the DEP's request, even when a deadline for a response was provided to all parties. DEP's request to change the deadline for the submission of Witness Order is reasonable. In fact, parties will know whether or not they plan to present a surrebuttal witness no later than June 1, 2022, when such prefiled testimony and exhibits are due. In fairness to all parties, the deadline of May 23, 2022, as stated in the Prefile Testimony Letter is changed to June 1, 2022, for all parties as follows:

On or before 6/1/2022, please provide the order of Witnesses to be presented during the hearing, whether there is an objection to taking

¹ The deadline for the Company's prefiled rebuttal testimony and exhibits is May 26, 2022.

direct and rebuttal or surrebuttal testimony together during the hearing, and whether or not there is a desire to use Panels of Witnesses

Secondly, DEP notes that the Revised Notice of Filing and Public Hearing issued on January 10, 2022, provides that the hearing is scheduled to begin on June 6, 2022, and to be conducted virtually unless changed by the Commission. DEP requests to appear and present witnesses in-person in the Commission hearing room.

Unless there is a state of emergency or other reasons or safety concerns, the Commission has allowed persons to appear in-person rather than virtually. DEP's request to appear in-person is granted and the Revised Notice of Filing and Public Hearing is amended as follows for all parties of record:

(1) Counsel for any party of record, along with their witness(s) and entity representatives, may participate and appear for the hearing beginning on June 6, 2022, at 10:00 a.m. either: (a) in-person in the Commission hearing room, (b) virtually, or (c) a combination of in-person or virtual appearance.

(2) Each party of record, through their counsel of record, shall advise no later than June 1, 2022, if counsel and/or a witness intends to appear and participate (a) in-person in the Commission hearing room, (b) virtually, or (c) a combination of virtual and in-person appearance(s).

(3) Each party of record, through their counsel of record, shall complete the Commission Virtual Media plan or survey no later than June 1, 2022, to advise of the manner of appearance and to provide information for virtual appearance at least as a back-up in case of issues with in-person appearance. This information is needed so that preparations and accommodations to protect the health and safety of persons and staff can be made in the hearing room for in-person appearance(s).

(4) Witness panels cannot be used with a virtual appearance in order to maintain the integrity and accuracy of the record.

(5) This Hearing Officer's Directive is effective until further order of the Commission.